

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

DOREEN R. GILLENWATER,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-0508

JOANNE BARNHART,  
Commissioner of Social Security,

Defendant.

**ORDER**

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Plaintiff's Motion for Summary Judgment, grant the Defendant's Motion for Judgment on the Pleadings, affirm the final decision of the Commissioner and dismiss this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's Motion for Summary Judgment, **GRANTS** the Defendant's Motion for Judgment on the Pleadings, **AFFIRMS** the final decision of the Commissioner and **DISMISSES** this matter from the Court's docket consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: April 20, 2005

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE